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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,408	07/09/2003	John C. Artz JR.	VIGN1450-1	9286
44654 7590 12/14/2007 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			EXAMINER DUONG, OANH L	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,408	ARTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Oanh Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 12-19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/06/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-9, 12-19, and 22-25 are presented for examination.  
Claim 10-11 and 20-21 have been canceled.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-9 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilf, US 6,496,824 B1, in view of Hogan, US 2003/0212594 A1.

Regarding claim 1, Wilf teaches a method of identifying a visitor at a network site (col. 3 lines 39-42) comprising:

receiving an address from a first visitor computer (i.e., proxy IP address) and a first characteristic of a second visitor computer (i.e., client IP address) (i.e., collecting of identifiers including proxy IP address and client IP address, col. 4 lines 5-15); and

generating a first visitor identifier using the address and the first characteristic, and the second characteristic (*i.e., creates a fingerprint/visitor-identifier by digitally hashing from the identifiers, col. 6 lines 1-21*).

Wilf does not explicitly teach requesting information regarding a second characteristic of the second visitor computer after receiving the address and the first characteristic and receiving the information regarding the second

characteristic of the second visitor computer (i.e., obtaining supplemental data items; page 2 paragraph [0027]).

Hogan teaches method and apparatus for displaying targeted content on web pages by predicting the group membership of individual visitors (abstract). Hogan teaches requesting information regarding a second characteristic of the second visitor computer and receiving the information regarding the second characteristic of the second visitor computer (i.e., obtaining supplemental data items, page 2 paragraph [0027]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Wilf to query/request and obtain supplemental data items as taught by Hogan for the reason expressly taught by Wilf (i.e., "the larger the collection of identifiers/data items, the stronger the Identification provided by the fingerprint", col. 5 lines 46-48).

Regarding claim 2, Wilf teaches the method of claim 1, wherein generating the first visitor identifier is performed using only the address and information within a user-agent string of a request originating from the second visitor computer (col. 4 lines 5-35).

Regarding claim 3, Wilf teaches the method of claim 2, wherein the user-agent string includes a browser identifier for a browser application on the second visitor computer and compatibility information regarding the browser application (col. 4 lines 15-35).

Regarding claim 4, Wilf teaches the method of claim 1, wherein the first characteristic of the second visitor computer comprises a type of computer, a CPU identifier, an OS, a browser application, a version of a browser application, compatibility information regarding the browser application, locale information, an accessory that can be activated by the browser application, a display size, a resolution setting, or whether a programming language is enabled (col. 4 lines 16-35).

Regarding claim 5, Wilf teaches the method of claim 1, wherein the first visitor computer is different from the second visitor computer (col. 4 lines 16-35)

Regarding claim 6, Wilf teaches the method of claim 5, further comprising sending the first characteristic from a second visitor computer to the first visitor computer before generating the first visitor identifier (col. 6 lines 1-22).

Regarding claim 7, Wilf teaches the method of claim 5, further comprising:  
receiving the address from a first visitor computer and a second characteristic of a third visitor computer, wherein the third visitor computer is different from the first and second visitor computers (col. 3 lines 48-51); and  
generating a second visitor identifier using the address and the second characteristic (col. 4 lines 41-65).

Regarding claim 8, Wilf teaches the method of claim 1, wherein:

the first and second visitor computers are the same computer; the first characteristic is a first characteristic of a first browsing environment; and the method further comprises: receiving the address from a first visitor computer and a second characteristic of a second browsing environment, wherein the first and second browsing environments use the same OS, browser application, and version of browser application, and generating a second visitor identifier using the address and the second characteristic (col. 4 lines 16-35).

Regarding claim 9, Wilf teaches the method of claim 1, n generating the first visitor identifier is performed without the use of a cookie (col. 2 lines 9-10)

Regarding claims 12-19, those claims comprise limitations that are substantially the same as claims 1-5, and 7-9; discussed above, same rationale of rejection is applicable.

4. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilf, in view of Chow et al. (hereinafter, Chow), US 7,032,017 B2, and Hogan.

Regarding claim 22, Chow teaches a system for identifying a visitor at a network site comprising:

individual visitor computers (client 10, Fig. 2);

a network site computer (web server 150, Fig. 2); and  
a visitor control computer bidirectionally coupled to the individual visitor computers and the network site computer (proxy server 120, Fig. 2),  
wherein:

the visitor control computer is configured to not provide an address of any individual visitor computer to the network site computer (col. 1 lines 36-54).

Chow does not explicitly teach the network site computer is configured to request information regarding a first characteristic of at least one of the individual visitor computers, receive information regarding the first characteristic and generate a visitor identifier from an address received from the visitor control computer and the first characteristic and a second characteristic of the at one of the individual visitor computer. .

Wilf, in the same field of endeavor, teaches the network site computer is configured to generate a visitor identifier from an address received from the visitor control computer and the first characteristic and a second characteristic of the at one of the individual visitor computers (col. 6 lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Chow to generate a visitor identifier from an address received from the visitor control computer and a characteristic of at one of the individual visitor computers as taught by Wilf. One would be motivated to do so to provide session management over a stateless protocol (Wilf, col. 2 lines 41-42).

Hogan teaches method and apparatus for displaying targeted content on web pages by predicting the group membership of individual visitors (abstract). Hogan teaches request information regarding a first characteristic of at least one of the individual visitor computers, receive information regarding the first characteristic (i.e., query and obtain supplemental data items, page 2 paragraph [0027]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Chow and Wilf to query/request and obtain supplemental data items as taught by Hogan for the reason expressly taught by Wilf (i.e., "the larger the collection of identifiers/data items, the stronger the Identification provided by the fingerprint"; col. 5 lines 46-48).

Regarding claim 23, Chow teaches the system of claim 22, wherein at least one of the individual visitor computers is not configured to receive cookies (col. 1 lines 39-41).

Regarding claim 24, Chow teaches the system of claim 18, wherein the visitor control computer regulates communications across a firewall, and the network site computer and any of the individual visitor computers communicate to each other via the visitor control computer (col. 1 lines 36-54).



Regarding claim 25, Chow-Wilf teaches the system of claim 22, wherein the visitor control computer provides a characteristic of at least one of the individual visitor computers to the network site computer (Wilf, col. 4 lines 5-35).


***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 12, and 22 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
O. Duong  
Primary Examiner  
December 9, 2007